



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 29 मार्च, 2011 / 8 चैत्र, 1933

हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001

NOTIFICATION

Shimla, the 7th March, 2011

No.HHC/GAZ/14-301/2008.—Hon'ble the Chief Justice has been pleased to grant ex post facto sanction of two days' commuted leave for 16.2.2011 to 17.2.2011 in favour of Shri Nitin Mittal, Civil Judge (Jr. Division)-cum-Judicial Magistrate, Court No.2, Sundernagar, District Mandi, H.P.

Certified that Shri Nitin Mittal has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Nitin Mittal would have continued to hold the post of Civil Judge (Jr. Division)-cum-Judicial Magistrate, Court No.2, Sundernagar, District Mandi, H.P, but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH , SHIMLA – 171 001

NOTIFICATION

Shimla, the 8th March, 2011

No.HHC/GAZ/14-297/07.—The High Court of Himachal Pradesh in exercise of the powers vested in it under Article 235 of the Constitution of India read with Rule 15 of the H.P. Judicial Service Rules, 2004 and all other powers enabling it in this behalf, has been pleased to order that Shri C.B. Barowalia, District and Sessions Judge, Mandi shall continue in service after attaining the age of 50 years till next review at the age of 55 years.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001

NOTIFICATION

Shimla, the 8th March, 2011

No.HHC/GAZ/14-290/2006.—Hon'ble the Chief Justice has been pleased to grant 11 days' earned leave with effect from 9.3.2011 to 19.3.2011 with permission to suffix Sunday falling on 20th March, 2011 in favour of Shri Sidharth Sarpal, Civil Judge (Jr. Division)-cum-JMIC(I), Hamirpur, H.P.

Certified that Shri Sidharth Sarpal is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Sidharth Sarpal would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC(I), Hamirpur, H.P. but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH , SHIMLA – 171 001**NOTIFICATION***Shimla, the 8th March, 2011*

No.HHC/GAZ/14-297/07.—The Hon'ble High Court of Himachal Pradesh in exercise of the powers vested in it under Article 235 of the Constitution of India read with Rule 14 of the H.P. Judicial Service Rules, 2004 and all other powers enabling it in this behalf, has been pleased to order that Shri B.L. Soni, a member of the H.P. Judicial Service in the cadre of District Judges/Additional District Judges, presently posted as District and Sessions Judge (Forest), Shimla shall continue in service after attaining the age of 58 years.

The officer will now retire on his attaining the age of 60 years.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH , SHIMLA – 171 001**NOTIFICATION***Shimla, the 8th March, 2011*

No.HHC/GAZ/14-297/07.—The Hon'ble High Court of Himachal Pradesh in exercise of the powers vested in it under Article 235 of the Constitution of India read with Rule 14 of the H.P. Judicial Service Rules, 2004 and all other powers enabling it in this behalf, has been pleased to order that Shri D.S. Khenal, a member of the H.P. Judicial Service in the cadre of District Judges/Additional District Judges, presently posted as Presiding Officer, Labour Court/Industrial Tribunal, Shimla shall continue in service after attaining the age of 58 years.

The officer will now retire on his attaining the age of 60 years.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001**NOTIFICATION***Shimla, the 8th March, 2011*

No.HHC/GAZ/14-255/2002.—Hon'ble the Chief Justice has been pleased to grant the ex post facto sanction of 3 days commuted leave w.e.f. 22.2.2011 to 24.2.2011 in favour of Smt. Kanta Verma, Civil Judge (Junior Division)-cum-JMIC(II) Palampur, H.P.

Certified that Smt. Kanta Verma has joined the same post and at the same station from where she proceeded on leave, after expiry of the above period of leave.

Also certified that Smt. Kanta Verma would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC (II) Palampur, but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar general.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATION

Shimla, the 8th March, 2011

No.HHC/GAZ/10-40/80-V.—Consequent upon the enactment of the H.P. Judicial Officers (Pay and conditions of service) Act, 2003 and the framing of H.P. Judicial Officers (Pay fixation) Rules, 2010, the following members of H.P. Judicial Service in the cadre of Civil Judges (Jr. Division) have been granted the benefit of the 1st Assured Career Progression Scale of ₹ 10750 300-13150-350-14900 with effect from the dates shown against their names.—

Sr. No.	Name of the Officer	Date of grant of 1st ACP Scale of ₹ 33090-45850
1.	Ms. Gurmeet Kaur	24.10.2010
2.	Shri Amit Mandyal	22.10.2010
3.	Shri Harmesh Kumar	25.10.2010
4.	Shri Gaurav Sharma	26.10.2010

By order of the Hon'ble High Court of H.P.
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA – 171 001

NOTIFICATION

Shimla, the 9th March, 2011

No.HHC/GAZ/1-15/73-III.—Consequent upon the enactment of the H.P. Judicial Officers (Pay and condition of service) Act, 2003 (Act No.13 of 2003) and the framing of the H.P. Judicial Officer (Pay fixation) Rules, 2010 read with Rule(34) of the H.P. Judicial Service Rules, 2004, the Selection Grade of ₹ 57700-1230-58930-1380-67210-1540-70290 is granted to Shri A.S. Jaswal, District and Sessions Judge, Kinnaur at Rampur Bushahr on and w.e.f. 16.11.2010 and he shall be called as “Selection Grade District Judge”.

By order of the Hon'ble High Court of Himachal Pradesh
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001**NOTIFICATION***Shimla the 9th March, 2011*

No.HHC/GAZ/14-264/2003.—Hon'ble the Chief Justice has been pleased to grant 6 days' earned leave w.e.f. 14.3.2011 to 19.3.2011 with permission to prefix Second Saturday and Sunday falling on 12th and 13th March, 2011 respectively and to suffix Sunday falling on 20th March, 2011 in favour of Shri Rajinder Kumar, Civil Judge (Sr. Division)-cum-JMIC(I), Rohru, H.P.

Certified that Shri Rajinder Kumar is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Rajinder Kumar would have continued to hold the post of Civil Judge (Sr. Division)-cum-JMIC(I), Rohru, H.P. but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

TOWN & COUNTRY PLANNING DEPARTMENT**NOTIFICATION***Shimla-2, the 28th March, 2011*

No. TCP-A(2)-1/2011.—In continuation of this department Notification No. PBW(B&R) (B)24(1)/91-I, dated 31-07-1997, the Governor, Himachal Pradesh, in exercise of the powers conferred under sub section (1) of Section 77 of the H.P. Town & Country Planning Act, 1977 (Act No. 12 of 1977), is pleased to direct that the powers of the Director Town & Country Planning under Section-28 and 29 of the Act ibid shall be exercised by the Commissioner, Municipal Corporation, Shimla in respect of Municipal Area, Shimla for deciding the cases under the Single Umbrella Committee, constituted vide Notification No. TCP-F(5)-5/2010 dated 28-02-2011. The above mentioned powers, shall be exercised subject to the following conditions:—

- (i) That the development permission is in accordance with the provisions of the Interim Development Plan Shimla duly notified by the State Government. Wherever necessary the Municipal Corporation, Shimla will amend its bye-laws to bring them in consonance with the provisions of Interim Development Plan framed by the Town & Country Planning Department.
 - (ii) That the Commissioner, Municipal Corporation, Shimla shall function under the overall control of the Secretary (TCP) to the Government of Himachal Pradesh in respect of the powers delegated above.
2. Above orders shall take effect from the date of publication in official gazette/e gazette.

By order,
Sd/-
Principal Secretary (TCP).

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-4, 29 मार्च, 2011

संख्या: वि0स0(विधायन) विधेयक/1-48/2011.—हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध (संशोधन) विधेयक, 2011 (2011 का विधेयक संख्यांक 3) जो आज दिनांक 29 मार्च, 2011 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो चुका है, सर्व-साधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

आदेश द्वारा,
गोवर्धन सिंह,
सचिव,
हिमाचल प्रदेश विधान सभा।

2011 का विधेयक संख्यांक 3

हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध (संशोधन) विधेयक, 2011

(विधान सभा में पुरःस्थापित रूप में)

हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध अधिनियम, 2005 (2005 का अधिनियम संख्यांक 14) का और संशोधन करने के लिए **विधेयक**।

भारत गणराज्य के बासठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. संक्षिप्त नाम.—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध (संशोधन) अधिनियम, 2011 है।

2. धारा 5 का संशोधन.—हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध अधिनियम, 2005, (14 का 2005) (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 5 में,—

(क) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रखी जाएगी, अर्थात् :—

“(1) विशिष्टतया और पूर्वगामी उपबन्धों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, राज्य सरकार—

- (i) वित्तीय वर्ष 2011-12 तक राजस्व घाटा समाप्त करेगी और तत्पश्चात् राजस्व अधिशेष बनाए रखेगी;
- (ii) राजकोषीय घाटे को, वित्तीय वर्ष 2010-2011 तक सकल राज्य घरेलू उत्पाद के 3.5 प्रतिशत तक या इससे कम करेगी, वित्तीय वर्ष 2011-12 तक सकल राज्य घरेलू उत्पाद के 3 प्रतिशत तक या इससे कम करेगी और तत्पश्चात् राजकोषीय घाटे को सकल राज्य घरेलू उत्पाद के 3 प्रतिशत के स्तर तक या इससे कम पर बनाए रखेगी;

- (iii) परादेय ऋण को, वित्तीय वर्षों 2010-11, 2011-12, 2012-13, 2013-14 और 2014-15 तक सकल राज्य घरेलू उत्पाद के क्रमशः 49.7 प्रतिशत, 47.0 प्रतिशत, 44.4 प्रतिशत, 42.1 प्रतिशत और 40.1 प्रतिशत तक कम करेगी; और
- (iv) पूर्ववर्ती वित्तीय वर्ष में कुल राजस्व प्राप्ति, जिसके लिए वित्तीय लेखों के अनुसार वास्तविक आंकड़े उपलब्ध हैं, के चालीस प्रतिशत से कम के दीर्घकालिक ऋण पर परादेय जोखिम भारित प्रत्याभूतियां बनाए रखेगी।"; और

(ख) उपधारा (2) के स्थान पर निम्नलिखित उपधारा रखी जाएगी, अर्थात् :—

“(2) उपधारा (1) में किसी बात के होते हुए भी, राष्ट्रीय सुरक्षा के कारणों से या, यथास्थिति, राज्य सरकार या केन्द्रीय सरकार द्वारा प्राकृतिक आपदा घोषित करने के कारण, राज्य सरकार के वित्त पोषण पर अप्रत्याशित मांगों की दशा में, उपधारा (1) के खण्ड (i), (ii) और (iii) के विभिन्न मानदण्डों के अन्तर्गत लक्ष्यों में बढ़ौतरी हो सकेगी :

परन्तु इस उपधारा के अधीन निर्दिष्ट आधार या आधारों के बारे में विवरण, ऐसे घाटे की रकम के उपरोक्त लक्ष्यों से अधिक होने के पश्चात्, यथाशक्यशीघ्र विधान सभा के समक्ष रखा जाएगा।”।

3. धारा 7 का संशोधन.—मूल अधिनियम की धारा 7 की उपधारा (2) के पश्चात् निम्नलिखित नई उपधारा अन्तःस्थापित की जाएगी, अर्थात्:—

“(3) इस अधिनियम के अधीन निर्दिष्ट राजकोषीय सुधार कार्यप्रणाली पर पुनर्विचार करने और मॉनीटर करने के लिए, राज्य सरकार द्वारा, एक स्वतन्त्र क्रियाप्रणाली स्थापित की जाएगी।”।

उद्देश्यों और कारणों का कथन

राज्य में वर्ष, 2005 में हिमाचल प्रदेश राजकोषीय उत्तरदायित्व और बजट प्रबन्ध अधिनियम अधिनियमित किया गया था। तेरहवें वित्त आयोग की रिपोर्ट 25 फरवरी, 2010 को संसद के समक्ष रखी गई थी और भारत सरकार द्वारा इसकी सिफारिशों को स्वीकार कर लिया गया है। अन्य बातों के साथ-साथ, आयोग की रिपोर्ट यह भी उपबन्धित करती है कि राज्य विशेष अनुदान और उन द्वारा संस्तुत कतिपय अन्य प्रसुविधाएं, इस शर्त पर दी जाएंगी कि प्रत्येक राज्य राजकोषीय उत्तरदायित्व और बजट प्रबन्ध अधिनियम को निम्नलिखित उपबन्धों के साथ अधिनियमित/संशोधित करें:—

- (i) वित्तीय वर्ष 2011-12 तक राजस्व घाटा समाप्त करे और तत्पश्चात् राजस्व अधिशेष बनाए रखे;
- (ii) राजकोषीय घाटे को, वित्तीय वर्ष 2010-2011 तक सकल राज्य घरेलू उत्पाद के 3.5 प्रतिशत तक या इससे कम करेगी, वित्तीय वर्ष 2011-12 तक सकल राज्य घरेलू उत्पाद के 3 प्रतिशत तक या इससे कम करे और तत्पश्चात् राजकोषीय घाटे को सकल राज्य घरेलू उत्पाद के 3 प्रतिशत के स्तर तक या इससे कम पर बनाए रखे;
- (iii) परादेय ऋण को, वित्तीय वर्षों 2010-11, 2011-12, 2012-13, 2013-14 और 2014-15 तक सकल राज्य घरेलू उत्पाद के क्रमशः 49.7 प्रतिशत, 47.0 प्रतिशत, 44.4 प्रतिशत, 42.1 प्रतिशत और 40.1 प्रतिशत तक कम करे; और
- (iv) इस अधिनियम के अधीन निर्दिष्ट राजकोषीय सुधार कार्यप्रणाली पर पुनर्विचार करने और मॉनीटर करने के लिए, राज्य सरकार द्वारा, एक स्वतन्त्र क्रियाप्रणाली स्थापित की जाएगी।

इसलिए, तेरहवें वित्त आयोग की अपेक्षाओं की पूर्ति के लिए पूर्वोक्त अधिनियम को तदनुसार संशोधित करने का विनिश्चय किया गया है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

(प्रेम कुमार धूमल)
मुख्य मंत्री।

शिमला :

तारीख....., 2011

वित्तीय ज्ञापन

विधेयक के उपबन्ध अधिनियमित होने पर, विद्यमान सरकारी तन्त्र द्वारा प्रवर्तित किए जाएंगे। इस प्रकार इससे राजकोष पर कोई अतिरिक्त व्यय उपगत नहीं होगा।

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

—शून्य—

Bill No. 3 of 2011

**THE HIMACHAL PRADESH FISCAL RESPONSIBILITY AND BUDGET
MANAGEMENT (AMENDMENT) BILL, 2011**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Fiscal Responsibility and Budget Management Act, 2005 (Act No. 14 of 2005).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-second Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Himachal Pradesh Fiscal Responsibility and Budget Management (Amendment) Act, 2011.

2. Amendment of section 5.—In section (5) of the Himachal Pradesh Fiscal Responsibility and Budget Management Act, 2005, (14 of 2005) (hereinafter referred to as the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In particular and without prejudice to the generality of the foregoing provisions, the State Government shall—

- (i) eliminate revenue deficit by financial year 2011-12 and maintain revenue surplus thereafter;
- (ii) reduce fiscal deficit to 3.5 per cent or less of Gross State Domestic Product by financial year 2010-11, 3 per cent or less of Gross State Domestic Product by financial year 2011-12 and maintain fiscal deficit at the level of 3 per cent or less of Gross State Domestic Product thereafter;
- (iii) reduce outstanding debt to 49.7 per cent, 47.0 per cent, 44.4 per cent, 42.1 per cent and 40.1 per cent of Gross State Domestic Product by the financial years 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 respectively; and
- (iv) maintain outstanding risk weighted guarantees on long term debt below forty per cent of total revenue receipt in the preceding financial year for which actuals are available as per finance accounts.”; and

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), the targets under different parameters of clauses (i), (ii) and (iii) of sub-section (1), may be exceeded in the case of unforeseen demands on the finances of the State Government due to reasons of national security or natural calamity declared by the State Government or the Central Government, as the case may be:

Provided that a statement in respect of the ground or grounds specified under this sub-section shall be placed before the Legislative Assembly, as soon as may be, after such deficit amount exceeds the aforesaid targets.”.

3. Amendment of section 7.—In section 7 of the principal Act, after sub-section (2), the following new sub-section shall be inserted, namely:—

“(3) An independent mechanism shall be set up by the State Government to review and monitor the fiscal reform path set out under this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Fiscal Responsibility and Budget Management Act was enacted in the year 2005. Thirteenth Finance Commission report was tabled in Parliament on 25th February, 2010 and the recommendations have been accepted by the Government of India. Among other things, the Commission’s report provides that State Specific grants and certain other benefits recommended by them would be released on the condition that each State must enact or amend the Fiscal Responsibility and Budget Management Act with the following provisions:—

- (i) Eliminate revenue deficit by financial year 2011-12 and maintain revenue surplus thereafter;
- (ii) Reduce fiscal deficit to 3.5 per cent or less of Gross State Domestic Product by financial year 2010-11, 3 per cent or less of the Gross State Domestic Product by financial year 2011-12 and maintain fiscal deficit at the level of 3 per cent or less of Gross State Domestic Product thereafter;
- (iii) Reduce outstanding debt to 49.7 per cent, 47.0 per cent, 44.4 per cent, 42.1 per cent and 40.1 per cent of Gross State Domestic Product by the financial years 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 respectively; and
- (iv) An independent mechanism shall be set up by the State Government to review and monitor the fiscal reform path set out under this Act.

Thus, in order to meet the requirement of the 13th Finance Commission, it has been decided to amend the Act *ibid* accordingly. This has necessitated amendments in the Act *ibid*.

This Bill seeks to achieve the aforesaid objectives.

(PREM KUMAR DHUMAL)
Chief Minister.

SHIMLA :

The....., 2011.

FINANCIAL MEMORANDUM

Provisions of the Bill, when enacted, shall be enforced through the existing Government machinery. As such, there shall be no additional expenditure out of the State exchequer.

MEMORANDUM REGARDING DELIGATED LEGISLATION

—NIL—